

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

636U0566

SENATE BILL NO. 130

Introduced by: Senators Kirkeby, Maher, Monroe, and Peters and Representatives Verchio,
Rounds, Rozum, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning absentee voting.
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 12-16-1 be amended to read as follows:

4 12-16-1. The county auditor shall provide printed ballots for each election in which the
5 voters of the entire county participate. Except as provided in § 12-6-9, printed ballots for a
6 primary election shall contain the name of each candidate who has filed for nomination and is
7 approved. The printed ballots for the election of officers shall contain the name of each
8 candidate whose nomination has been certified or filed with the county auditor in the manner
9 provided by law unless the candidate is deemed elected by having no opposition. The names of
10 the candidates shall appear on the ballot exactly as listed in the declaration of candidacy of the
11 candidates' nominating petitions. Sample ballots shall be printed on paper of a different color
12 from the official ballot but in the same form. The sample ballots and official ballots shall be
13 printed and in the possession of the county auditor not later than forty-eight days prior to a
14 primary or general election. ~~Absentee voting shall begin no earlier and no later than forty-six~~
15 ~~days prior to the election.~~ The county auditor shall also prepare the necessary ballots if any



question is required to be submitted to the voters of the county. Ballots for general elections shall be of the style and form prescribed in §§ 12-16-2 to 12-16-11, inclusive.

Section 2. That chapter 12-19 be amended by adding thereto a NEW SECTION to read as follows:

Absentee voting shall begin neither earlier nor later than eighteen days prior to the election except for any voter identified as being covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) which shall begin neither earlier nor later than forty-six days prior to the election.

The office of the person in charge of the election shall be open from 10:00 a.m. to 2:00 p.m. on each Saturday during the eighteen days prior to the election in which a person may apply in person for an absentee ballot.

Section 3. That § 12-19-2.1 be amended to read as follows:

12-19-2.1. At anytime prior to an election, a voter may apply in person at the office of and to the person in charge of the election for an absentee ballot during regular office hours up to ~~3:00~~ 5:00 p.m. on the day ~~of~~ before the election. If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

In the event of confinement because of sickness or disability, a qualified voter may apply pursuant to the provisions of § 12-19-2 in writing and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election. If the application designating an authorized

- 1 messenger also indicates a request for an absentee ballot for any future election, such absentee
- 2 ballot shall be mailed to the address provided on the application. If no address is provided, the
- 3 ballot shall be mailed to the person's voter registration address.